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HEAVENLY VALLEY, LIMITED PARTNERSHIP
and THE VAIL CORPORATION

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER HAMILTON, as an
individual and on behalf of all others similarly
situated,

Plaintiff,

v.

HEAVENLY VALLEY, LIMITED
PARTNERSHIP; and DOES 1-50, inclusive,
Defendants.

Case No. **2:21-CV-01608 WBS DB**

**JOINT STATUS REPORT AND REQUEST
TO CONTINUE STATUS CONFERENCE;
ORDER**

**Related to: 2:21-cv-00107 WBS DB
2:21-cv-01260 WBS DB
2:21-cv-02251-WBS-DB**

Complaint Filed: September 8, 2021
Trial Date: None
District Judge: Hon. William B. Shubb
Courtroom 5, Sacramento
Magistrate Judge: Hon. Deborah Barnes
Courtroom 27, Sacramento

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

Pursuant to Federal Rules of Civil Procedure 16, 23(e), and 41(a), plaintiff CHRISTOPHER HAMILTON (“Plaintiff”) and defendant HEAVENLY VALLEY, LIMITED PARTNERSHIP (“Defendant”) (collectively the “Parties”), hereby submit this joint status report regarding the status of the case and settlement approval process in this Action and four other related cases: *Gibson v. The Vail Corporation*, Case No. 2:21-cv-01260-WBS-DB (E.D. Cal.) (“*Gibson*”); *Hamilton v. Heavenly Valley, Limited Partnership*, SC20210148 (El Dorado County Superior Court) (“*Hamilton II*”); *Roberds v. The Vail Corporation et al*, Case No. 2:21-cv-02251-WBS-DB (E.D. Cal.) (“*Roberds*”); and *Heggen v. Heavenly Valley Limited Partnership*, 2:21-cv-00107-WBS-DB (“*Heggen*”).

WHEREAS, on December 28, 2021, the Parties executed a formal, long-form Settlement Agreement that fully and finally resolves all claims in the Action, pending court approval, as well as claims pled in related cases *Hamilton I*, *Gibson*, *Hamilton II*, and *Roberds* (“the Settlement”);

WHEREAS, after considering all final approval papers, all objections to the Settlement, and oral argument from objectors at a hearing on June 17, 2022, and the arguments of counsel and other individuals at a final approval hearing on August 19, 2022, the El Dorado County Superior Court entered an Order in the *Hamilton II* action on August 19, 2022 granting Plaintiffs’ Motion for Final Approval of the Settlement (“Final Approval Order”).

WHEREAS the Final Approval Order made the following findings concerning the Settlement, which covers the claims in this Action, among others:

- The Settlement is fair, adequate and reasonable;
- The distribution of the Notice to effectuate the Settlement has been completed in conformance with the El Dorado Superior Court’s February 1, 2022 Order Granting Preliminary Approval; the El Dorado Superior Court’s March 8, 2022 Order Extending Time to Issue Notice of Class Settlement; and the El Dorado Superior Court’s Order Granting Plaintiffs’ Unopposed Ex Parte Application to Permit Dissemination of a Supplemental Text Message Notice and to Extend the Response

Deadline to May 20, 2022;

- The Notice was adequate, satisfied due process requirements, and was the best notice practicable under the circumstances;
- The Settlement Agreement is binding on all Settlement Class Members who have not timely opted out.
- A Class is certified for settlement purposes only, which is defined as all non-exempt employees who at any time during the Covered Period worked for and were employed by Vail (including Defendant in this action) in the United States and worked primarily at one of its resort locations or mountain facilities, with limited exclusions.
- Judgment is entered.
- El Dorado Superior Court will retain jurisdiction over the Parties to enforce the terms of the Judgment pursuant to California Rule of Court 3.769(h);

WHEREAS the Settlement provides that Plaintiffs will dismiss this action with prejudice within 28 days that the Final Approval Order becomes a final, non-appealable order;

WHEREAS, on or around September 24, 2022, non-parties John Linn and Mark Molina filed a motion to set aside and vacate judgment in *Hamilton II*, which the trial court denied on November 14, 2022;

WHEREAS, on December 1, 2022, non-parties filed a notice of appeal concerning the order denying the motion to set aside and vacate judgment in *Hamilton II*;

WHEREAS the Respondents' Briefs were filed January 19, 2024;

WHEREAS Appellants' Reply Brief is currently due April 8, 2024;

WHEREAS, as of today's date, the Court of Appeal has not yet set a hearing date for the appeal;

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2 NOW THEREFORE, the Parties hereby jointly request that this Court continue the
3 December 4, 2023 Status Conference for a period of four (4) months, or July 24, 2024, or as soon
4 thereafter as the Court's calendar permits.

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6 DATED: March 11, 2024

DIVERSITY LAW GROUP, P.C.

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9 By: /s/ Max W. Gavron

Larry W. Lee
Max W. Gavron

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11 Attorneys for Plaintiff
12 CHRISTOPHER HAMILTON, AS AN
13 INDIVIDUAL AND on behalf of all others
similarly situated

14 DATED: March 11, 2024

OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.

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17 By: /s/ Melis Atalay

Evan R. Moses
Melis Atalay

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19 Attorneys for Defendant
20 THE VAIL CORPORATION
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ORDER


The Court having reviewed the foregoing stipulation, and GOOD CAUSE APPEARING THEREFOR, the Court orders as follows:

(1) The Parties shall file a Joint Status Report addressing the status of the Settlement and any additional information that the Court requires, on July 15, 2024.

(2) A Status Conference Re Class Action Settlement is set for **July 29, 2024 at 1:30 pm.**

IT IS SO ORDERED.

Dated: March 12, 2024



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE